

***United States Court of Appeals
for the Second Circuit***



APPENDIX

74-1550

74-1550

IN THE
UNITED STATES COURT OF APPEALS
FOR THE SECOND CIRCUIT

NO. 74-1550

THE UNITED STATES OF AMERICA,
Plaintiff-Appellee,
-against-
CARMINE TRAMUNTI, et al.,
Defendants-Appellants.

ON APPEAL FROM THE UNITED STATES DISTRICT COURT
FOR THE SOUTHERN DISTRICT OF NEW YORK

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DEFENDANTS-APPELLANTS' JOINT APPENDIX
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2 UNITED STATES OF AMERICA

3 vs.

4 CARMINE TRAMUNTI

6 New York, February 18, 1974,

7 10:10 a.m.

8 Trial resumed.

10 - -

11 (In open court.)

12 THE COURT: In the robing room I received
13 certain 3500 material, Government's Exhibit 3570 for
14 identification, 3571 for identification, 3572, 3573,
15 3574, 3575, all marked for identification. I under-
16 stand that these items have been turned over to defense
17 counsel, is that correct?

18 MR. POLLAK: Your Honor, with regard to
19 those items, items marked with those numbers were turned
20 over to us. Obviously, they have been heavily edited,
21 presumably to protect on-going investigations.

22 I would think under the circumstances the
23 court should receive unedited versions.

24 THE COURT: That is exactly what I am getting
25 to.

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2 I have also received a document which is
3 marked 3576A for identification which the government con-
4 tends is not 3500 material.

5 I have not had an opportunity to review it.

6 I also received a document which is marked
7 3577A for identification, which again the government
8 contends is not 3500 material. I have not had an oppor-
9 tunity to review it.

10 Is there anything else that will be handed up?

11 MR. FORTUIN: I don't believe so, Judge.

12 THE COURT: Do I have the unedited versions
13 of the documents which were turned over? ~~They were turned~~

14 MR. FORTUIN: You will get them at the break.

15 THE COURT: All right, fine.

16 While we were in the robing room I suggested
17 that I am thinking about doing something which is extremely
18 unusual. Leave it to me to do something extremely
19 unusual.

20 I know you gentlemen and Mrs. Rosner are not
21 used to me and what I try to do. I have my own ways
22 of doing things and I do them basically for a reason.
23 For example, you may note that instead of saying "over-
24 ruled," I will say "I will permit it."

25 There is a reason behind that, and the reason

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2 is that I don't want a strong of "overruleds" on a particu-
3 lar lawyer which might in some affect the jury. It is
4 so much simpler to put it in worlds which the jury
5 understands, "I will permit it."

6 In connection with the charge, unfortunately
7 all of us who have had legal education tend to talk in
8 our own legalistic shorthand. That legalistic shorthand
9 is great for us, we understand it, but that is not neces-
10 sarily the way the jury would understand it.

11 I have used this quotation before, so I am not
12 telling anything out of school. When I was very
13 young I had the opportunity to know Learned Hand, who
14 was one of the great judges in this district and in this
15 circuit. Judge Hand commented to me, when he tried to
16 tell me how to argue a case in the Court of Appeals,
17 "Put it in Mother Goose language, that way we will under-
18 stand it."

19 If a man who is reputed to have one of the
20 largest vocabularies of any English-speaking person can
21 say something like that, then I feel it appropriate to
22 try and put a charge in Mother Goose language so that the
23 jury will understand it.

24 I am suggesting this afternoon that I will
25 read to you part of the charge. Mr. Fisher asked for

2 a first draft. Well, I didn't have the first draft
3 when he asked for it. Each and every charge that I
4 gave is handcrafted to the particular case. I will
5 read to you this afternoon part of the charge. I do
6 not expect you to leap up and tell me what is wrong with
7 it.

8 However, if you feel that something is wrong
9 with it, I want you to let me have that; in other
10 words, if a particular portion you take exception or objec-
11 tion to, I want you to put in writing what you take
12 exception to and I want you to have citations, complete
13 citations as to why that particular portion may or may not
14 not be wrong, and I want you to have it to me by
15 Wednesday morning. In other words, you will get the
16 transcript daily tomorrow. You will have a lot of
17 time to chew it over tonight, all day tomorrow, tomorrow
18 night, and then tell me what is wrong with it Wednesday
19 morning. If you don't tell me on Wednesday morning
20 I will assume you approve of my first draft of the
21 charge and I want you to realize that it is a first
22 draft.

23 I say that because I know that many of you recog-
24 nize that I came out of a federal agency where first
25 drafts -- well, let's put it this way: the author

of the author of the first draft becomes so attached to his work they wouldn't change it.

I was never that way and I certainly am not going to be that way here. I am looking for your aid and assistance and I hope you will give it to me in the same spirit that I am giving you this preview of what is going to be said.

Is there anything that anyone has to tell me this morning?

MR. FISHER: If your Honor please, I hope the court will recall that prior to the conclusion of cross examination of Barnaba I made a broad application with regard to discovery of certain materials relating to the Kel or wire tapping or Fargo device, or whatever, Nagra recorders were being used. The government has thus far supplied me with one record indicating one instance of use which they state pertains to the particular day of the tape that was played to the jury.

Further, the government has told me it is making efforts to provide the actual equipment that was used in making that tape. That is satisfactory, assuming they do produce it.

In addition to that I did ask and I was advised by Mr. Fortuin the government is not of a mind to

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agree that the rest of the records pertaining to the use

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of such devices by Barnaba during these other activities

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relating to the defendants in this case should also be

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produced. More specifically, in other words, any time

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any one of these devices was taken out by Barnaba for

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the purpose of speaking to any of the defendants on

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trial here, I think we ought to get merely the record of

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that use so we have the dates and whatever information

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would be contained on that record.

11

I don't think this is a broad fishing expedi-

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tion as the government is wont to characterize some defense

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requests. I think it is limited to efforts to use

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these machines or equipment to obtain conversations

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other than on trial. I think it is limited and

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fairly consistent with what we are entitled to under

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Brady and perhaps even under 3500.

18

MR. CURRAN: Your Honor, the government is

19

aware of its obligations under Brady and 3500 and we

20

oppose the broadened or more broad application of

21

Mr. Fisher. We are attempting to comply with the

22

more narrow one which went to the particular tape in

23

question.

24

THE COURT: Mr. Fisher, I don't believe you

25

are entitled to the things which you are asking for,

but I am not going to rule on it right now. I will think about it.

Are we all set?

Bring in the jury.

MR. LOPEZ: Your Honor, is someone covering for Mr. Dowd?

THE COURT: Mr. Curley, would you cover for Mr. Dowd?

MR. CURLEY: Yes.

MR. SUNDEN: Your Honor, Mr. Rosenbaum is not here yet.

MR. RICHMAN: I will cover for Mr. Rosenbaum. Did your Honor speak to Judge van Pelt Bryan?

THE COURT: Yes.

MR. RICHMAN: I assume I am not going to trial tomorrow.

THE COURT: You can assume you are not going to trial tomorrow.

By the way, we might have a strange court today. I am still seeking out a place to feed the jury lunch and if we can't find an appropriate place, I am going to have to lengthen the morning; then we will be back in the afternoon without the jury and I will tell you about the charge then.

(Jury present.)

THE COURT: Good morning, ladies and gentlemen. I hope you enjoyed your long holiday weekend.

Mr. Fortuin, do you want to call your next witness.

MF. FORTUIN: The government will call Mr. Thomas Dawson.

T H O M A S F R A N K D A W S O N, called as a witness by the government, being first duly sworn, testified as follows:

DIRECT EXAMINATION

BY MR. FORTUIN:

BY MR. FORTUIN:

Q Mr. Dawson, how old are you?

A Forty-five.

Q Are you currently employed?

A Yes, I am.

Q What do you do?

A We have a drive-in grocery store in the country.

Q Directing your attention to the years 1971 and 1972, at that time where were you living?

A Washington, D.C.

Q How were you employed at that time?

A I worked for Heslip Contracting Company and subcontracted for a security operation.

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Q Mr. Dawson, have you ever been convicted of a crime?

A Yes.

Q Were you in fact convicted of housebreaking in 1950?

A Yes.

Q Were you again convicted for housebreaking in 1954?

A Yes.

Q Were you again convicted of housebreaking in 1959?

A I was.

Q Mr. Dawson, do you know a person by the name of Warren C. Robinson?

A Yes.

Q Do you see him in the courtroom today?

A Yes, sir.

Q Could you point him out to us?

A He is sitting next to the young lady right there.

Q Can you describe what he is wearing?

MR. LEIGHTON: We will stipulate it is Mr. Robinson.

MR. FORTUIN: May the record reflect the

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witness has identified the defendant Warren Robinson.

Q By the way, are you known by any other names?

A Tennessee.

Q How long have you known Warren Robinson?

A Approximately four, five years.

Q In 1971 what was Warren Robinson's occupation?

MR. LEIGHTON: I object to that.

May I approach the bench with Mr. Fortuin?

THE COURT: Sure.

(At the side bar.)

THE COURT: I assume he is going to say that he ran the clothing store.

MR. FORTUIN: That is right.

MR. LEIGHTON: I still object in that the bill of particulars alleges that Mr. Robinson did not enter the conspiracy until 1972, the month of February, and I would object to any testimony that goes prior to that concerning Mr. Robinson.

THE COURT: Honestly, I can't see that it is going to hurt you to have a guy with a legitimate business.

MR. LEIGHTON: The less he says about my client, the better off I will be. We can get the story in other ways.

THE COURT: Keep it out. Make it 1972.

Why do you want to start off in '71?

MR. FORTUIN: This is when it all starts out, the entire relationship between the witness and Robinson starts out in 1971 as well as the witness' involvement in narcotics.

THE COURT: It starts in '71?

MR. FORTUIN: Yes, and there will be meetings when he went to New York and met with other defendants about this time.

THE COURT: I will permit it.

(In open court.)

(In open court.)

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THE COURT: Answer the question that is before
3 you, Mr. Dawson.

4

A Yes, he was owner of Warren's Haberdashery --

5

MR. KING: I can't hear the witness.

6

Q Mr. Dawson, will you lean forward and speak into
7 the microphone?

8

A He was the owner of Warren's Habercashery in
9 Washington, D.C. I think it was in the 3200 block, Georgia
10 Avenue, Northwest.

11

Q I will show you an exhibit marked Government's
12 Exhibit 61 in evidence and ask you if you recognize the
13 person in the picture?

14

A Yes.

15

Q Who is that?

16

A It is Paul Gregorio. We call him Paulie, Paul
17 Gregorio.

18

Q How long have you known him?

19

A I met him in 1971.

20

Q Directing your attention to February of 1971,
21 did you have occasion to go to Warren's Haberdashery?

22

A Yes, I did.

23

Q Do you recall the exact date?

24

A February 20.

25

Q Who else was present on that occasion?

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Dawson-direct

A Warren, Paul, two friends of Paul, Ken and Cooper and myself.

Q When you say Paul Gregorio, is that the Paul you have identified from the photo?

A Yes.

Q Did you have a conversation at that time?

A Yes.

Q What did the people present say?

A Well, when I came in the shop, I noticed that Paul and Warren were arguing and Paul kept telling him that he needed the money to go back to New York and Warren told him that he didn't have any money and he wasn't going to pay him any money because he couldn't even make back the front money off of the package that he had given.

Q What did you understand the word package to mean at that time?

A Narcotics.

Q. After that, did you have a conversation with Paulie or Warren?

A Yes. Paul came over to me and said Tennessee, you are supposed to be a friend of Warren's, can't you talk to him, and I said, "I will try," and I talked to Warren and he said he wasn't going to pay him because the narcotics that he gave him wasn't any good and he couldn't even

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Dawson-direct

1 make back the front money off of them, so I went back and
2 talked to Paulie again and he said that Georgie had sent
3 him down to either get the money or to do something to him.
4

5 Q You referred to a person by the name of Georgie.
6 Did you learn at that time who Georgie was?

7 A Paul told me, but I didn't know who he was at
8 that time.

9 Q What did he tell you?

10 MR. ROSENBERG: If your Honor please, I will
11 object to that.

12 THE COURT: I will permit it.

13 Answer the question.

14 A We were just talking in general and he told me
15 he had to have some money to go back to New York and he
16 was going to either have the money -- he didn't want to do
17 anything to Warren but he couldn't go back to New York
18 without the money, so I told him to keep out of trouble,
19 that I would let him have the money, that if Warren didn't
20 want him to have the money, I would let him have the money,
21 and not to cause any trouble.

22 Q After that, did you pay him the money?

23 A Yes. This was on a Friday or Saturday and I
24 told him I couldn't get the money because the bank was
25 closed, I couldn't get it until Monday morning and Paul said

1 he would just wait around until Monday, so when the bank
2 opened up Monday morning, I went to the bank and withdrew
3 \$2200 and brought it back to Warren's Haberdashery and
4 we got together and I gave the money to Paul and he said
5 he would be back in a few days.
6

7 Q When you say "we got together"?

8 A Warren, Paul and myself.

9 Q By the way, did Paulie or Paul Gregorio have
10 any kind of physical handicap at that time?

11 A Yes, he had a limp in his knee.

12 Q Did he tell you how he had gotten it?

13 MR. SIEGEL: Objection.

14 THE COURT: I will permit it.

15 MR. SIEGAL: May we have a limiting instruction
16 at this time?

17 THE COURT: Oh, sure.

18 Ladies and gentlemen, I think I have tried to
19 make clear to you before that certain evidence is being
20 admitted and it involves particular defendants. It doesn't
21 involve anybody else. It is all being taken subject to
22 connection. We are going to get into this thing in great
23 detail in the future, all right.

24 Go ahead.

25 Q What did Paulie tell you about how he had gotten

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Dawson-direct

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2 this limp?

3 A He told me that Georgie had shot him in the knee.

4 Q After that, did you see Paulie again?

5 A Yes, some time later that next week he came back
6 to Washington.

7 Q Where did you see him?

8 A At Warren's Haberdashery.

9 Q Who else was present?

10 A Warren, Ken, Cooper, Paulie and myself.

11 Q What did you say and what did Paulie say?

12 A He told me that Georgie wanted to see the man
13 that was crazy enough to pay a bill for Warren.

14 Q After that, Mr. Dawson, did you go to New York
15 to meet with Georgie?

16 A Yes, that evening, Ken, Cooper, Paulie and myself,
17 we drove to New York.

18 Q Where did you drive to?

19 A We went to the Town & Country Motel in the area
20 of Co-Op City.

21 Q That is in the Bronx?

22 A Yes.

23 Q Do you remember the street name?

24 A I think it was Bartow, something like that.

25 Q After you got to the Town & Country Motel, what

1 kp6 Dawson-direct

2 happened?

3 A We checked into the motel and Paul made a call
4 and he said that we had to go meet Georgie.

5 Q After that, did you and Paul meet Georgie?

6 A Yes. We drove out to some area, maybe two miles
7 from there, and parked on the street and Paul got out of the
8 car and he was walking up there on the street and met this
9 fellow on the walk and they were walking up and down the
10 street and they were arguing and talking and stopping each
11 other and maybe five, ten minutes later, Paul came back to
12 the car and said, "Georgie wanted to see you."

13 Q After that, did you speak to Georgie?

14 A Yes. I got out of the car and we walked and
15 he told me about how Paulie and Warren had messed up in the
16 past.

17 Q When he said messed up in the past, was he more
18 specific?

19 A He was talking about the money --

20 MR. SIEGEL: Objection.

21 THE COURT: I will permit it.

22 A He was talking about the money that they would
23 always be short.

24 Q What would they be short money for, did he say?

25 A For the narcotics that they were paying for.

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2 Q What else did Georgie say and what else did you
3 say?

4 A We just talked and he said he would let me have
5 a quarter, if I would be responsible for the moneys, he
6 would let us have a quarter.

7 Q What did you understand the word "quarter" to
8 mean?

9 A A quarter kilo of narcotics.

10 Q What kind of narcotics?

11 A Heroin.

12 Q The person that you described as Georgie, do you
13 see him present in the courtroom today?

14 A Yes.

15 Q Would you point him out?

16 A He is sitting right over there.

17 Q Could you describe him more particularly?

18 A He has a beard and a dark suit.

19 MR. ROSENBERG: Indicating the defendant Pugliese.

20 MR. FORTUIN: May the record indicate that the
21 witness has identified the defendant Frank Pugliese.

22 Q After your meeting with Georgie, what did you
23 do?

24 A I went back to the car and Paulie asked me,
25 "What did he say?" And I said, "He said he is going to

1 kp8 Dawson-direct

2 let us have a quarter," and he told me, "He told me he
3 was going to let you have a half," and he got back out of
4 the car and started talking to Georgie again.

5 And he came back to the car and said, "He is
6 going to let you have a half."

7 Q After that, did you return to the motel?

8 A We did. We drove back to the Town & Country
9 Motel and we stayed there for a while and Paulie said that
10 he had to go back to meet Georgie.

11 Q Did he leave?

12 A Yes, he did.

13 Q Did he come back?

14 A A short time later he returned with a package,
15 a plastic bag wrapped with masking tape.

16 Q Were the contents of that bag examined in your
17 presence?

18 A It was.

19 Q What happened?

20 A He took the mirror off the wall of the motel and
21 put it on the bed and he took the contents of the bag and
22 poured it out on the mirror and he had a spoon with a card
23 and he began to spoon the narcotics out on the mirror,
24 and the spoon as to show the amount of narcotics was
25 there.

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Dawson-direct

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Q How much narcotics was there?

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A It was 16 ounces.

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Q That would be approximately a half-kilogram?

5

A Yes, sir.

6

Q After he measured it out on the mirror, what did
he do?

8

A He put it all back in the bag but one spoon and
took some lactose or mannite, whatever he was using at that
time and cut the narcotics up and him and Cooper and Ken,
they snorted it and said it was good.

12

Q After that, did you return to Washington?

13

A Yes.

14

Q How did you return?

15

A In their car.

16

Q Did you take the narcotics with you?

17

A Yes.

18

Q Where did you put it?

19

A It was under the front seat of the car.

20

THE COURT: When you refer to "their car," whose
car are you referring to?

22

THE WITNESS: I later found out that they always
rented a car, Paulie, Ken or Cooper, one of the three.

23

24

Q When was the next time you saw Warren Robinson?

25

A That next morning when we got back to Washington,

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Dawson-direct

we went to Warren's Haberdashery.

Q Who was present on that occasion?

A Ken, Cooper, Paulie, myself and Warren.

Q What was said?

A We talked for a while to decide when narcotics was going to be taken and Paul and Warren got in one car and I got in my car and we went to an apartment in Southeast Washington.

Q Do you know whose apartment this was?

A No, I don't. It was an apartment that Warren and a friend of his used.

Q What happened at this apartment?

A We went in the kitchen and Paulie took the contents of the bag and put it on the table. He said that he brought the narcotics back to show Warren how to cut it because he was sure that he had messed up the narcotics before, that he had put too much cut in it and that was what ruined it and he wanted to show him how to cut it.

Q Did he show him how to cut it?

A Yes.

Q Can you describe for us what he did?

A He spread the narcotics on the table and he first counted it out to let him see the amount was there. Then he took the strainer and run the narcotics through the

1 kp11

Dawson-direct

2 strainer with mannite and lactose to cut it to the amount
3 that he wanted it at that time, then he put that contents
4 back in the bag and took a spoon, and cut that up to the
5 amount they wanted that it would be tested for a drug
6 addict on the street.

7 Q When you say "tested," what do you mean?

8 A These were supposed to be samples that they
9 would give junkies on the street to test, to see whether
10 it was good.

11 Q How would they test it?

12 A They would shoot it.

13 Q Did you learn at that time or at any time whether
14 the narcotics you purchased was good?

15 A A few days later.

16 Q How did you learn?

17 A Warren told me it was good.

18 Q After that, did you see Paulie from time to time?

19 A Yes, I did.

20 Q Where did you see him?

21 A At the haberdashery.

22 Q Who else was present on these occasions?

23 A Mostly Warren, myself, Ken and Cooper.

24 Q Did you have any discussions?

25 A Well, I always talked to Paulie because he knew

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Dawson-direct

that I was responsible to judge for the money and he would just let me know he was bringing narcotics down.

Q After that, did there come a time when you again went to New York to purchase narcotics?

A Yes, I did.

Q When approximately was this?

A It should have been some time in April.

Q Did anyone accompany you on this trip?

A A fellow that I knew named Steve.

Q Where did you and Steve go?

A We went to the Town & Country.

Q The same hotel you had been to last time?

A Yes.

Q After you had got to the Town & Country, what did you do?

A We were later joined by Paulie and Ken and Cooper.

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Q Did you have a conversation?

A Yes, we had a conversation about the narcotics. He asked how were the narcotics before, and things of that sort, and he went out later and got some more narcotics and brought it back.

Q When he came back, what did he have with him?

A He had a half a kilo.

Q Did you test these narcotics at that time?

A Yes, we did. He counted them out as before, and put them all back in the bag excepting for one spoon, and he cut that, Ken, Cooper and Paulie snorted it and Steve, he shot it, and they said it was good, and later on we went back to Washington.

Q After you got back to Washington, where did you go?

A We went to the haberdashery.

Q Warren's Haberdashery?

A Yes.

Q Who else was present?

A Just Warren, Steve and myself.

Q What did you do and what was discussed?

A We gave Steve the rest of the samples and Warren and I took the rest of the narcotics and went to a friend of mine's house and cut it up and got it ready for the

1 hp2 Dawson-direct

2 dealers.

3 Q Shortly after the trip to New York you have just
4 described, did you and Warren go to work?

5 A Yes.

6 Q On that occasion, did you take a trip with
7 Paulie?

8 A Yes, we did.

9 Q Where did you go?

10 MR. LEIGHTON: Your Honor, could we have a date?

11 THE COURT: Sure.

12 Q Approximately when would this be, Mr. Dawson,
13 month, if you can give it to us?

14 A Some time in April, May.

15 Q That would be 1971?

16 A 1971.

17 Q Where did you go with Paulie and Warren?

18 A Paulie carried us to a friend of his house,
19 a fellow known as Hank.

20 Q What did you go to Hank's house for?

21 A He was trying to get some narcotics but our main
22 concern was to get some cuts because we didn't have any,
23 but since we were here, Paulie tried to get some narcotics
24 because he said Georgie didn't have any at the time.

25 Q The person you described as Hank, do you see him

1 hp3 Dawson-direct

2 in the courtroom today?

3 A I don't think I would be able to recognize him.
4 I only saw him once.

5 Q Would you get up to look and see, Mr. Dawson.

6 MR. SIEGAL: Objection, asked and answered
7 already.

8 THE COURT: I will permit him to look.

9 A I don't see anyone that I could be sure is Hank.

10 Q Mr. Dawson, where approximately was Hank's house
11 or apartment, if you remember?

12 MR. SIEGAL: Objection, your Honor.

13 THE COURT: I will permit it. I will permit it.

14 A It was somewhere in the area. I know we took
15 the exit off 233rd Street. It was an apartment that sits
16 up on the hill, in that area, somewhere in that area, I'm
17 not sure of the street.

18 Q What was it an exit from?

19 A The exit off 233rd Street.

20 Q What were you exiting from, a highway?

21 A Yes, sir.

22 Q Do you know the highway?

23 A I think it was 95.

24 Q Who was present on this occasion?

25 A Paulie, Ken, Cooper, myself and later on the

2 fellow known as Hank came.

3 Q What was discussed, if anything?

4 A We were talking about the narcotics and it
5 ended up we didn't have enough money to purchase the nar-
6 cotics from the individual that he wanted to get it from,
7 so they just sit around and snorted cocaine, everybody but
8 Warren and myself, and later on, we got some cut and we
9 went back to Washington.

10 MR. SIEGAL: May I have a side bar, your Honor.

11 THE COURT: Sure.

12 (At the side bar.)

13 MR. SIEGAL: Your Honor, I am going to object
14 to any further testimony of this witness on the subject of
15 a meeting with Hank. My reason for this is, the government
16 has attempted to show that the person he refers to as Hank,
17 was my client, Mr. Springer. Since the government has
18 been unable to do this, I would ask any further testimony
19 involving Hank be stricken because obviously even though
20 they're talking about the same individual, they have not
21 shown it and --

22 THE COURT: I think the government should be
23 permitted to bring this out. If nothing else, the identi-
24 fication could be circumstantially inferred by the jury
25 because the Hank that is your client also apparently has

an apartment or had an apartment off what this witness calls 95, but we know in New York to be the New England Thruway, and under the circumstances, I am going to permit it.

MR. LEIGHTON: Judge, since we're here, again, the witness is talking about 1971 or early 1971. The bill of particulars in this case, furnished by the government, alleges that Warren Robinson did not enter the conspiracy until February, '72. Again, I would object to any testimony prior to February of '72.

THE COURT: I understand your objection.

(In open court.)

BY MR. FORTUIN:

Q Mr. Dawson, when you were at Hank's apartment, were there any animals present?

A Yes, there were. There was a large dog, a Doberman Pinscher.

Q Do you remember what color it was?

A Black, as far as I can remember.

Q After this meeting at Hank's, was there another time when you saw Paulie in Washington, D.C.?

A Yes, there was.

Q Where was that?

A Warren's Haberdashery.

Q Who else was present other than Paulie and

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2 yourself?

3 A Warren, Paulie and myself, his girl, Ann.

4 Q Paulie's girl, Ann?

5 A Yes.

6 THE COURT: Can you give us a date on this, approxi-
7 mately?

8 THE WITNESS: Some time in June of 1971.
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1 Q What did Paulie say and what did you say at
2 this time?

3 A Paulie said that he needed money to purchase
4 more narcotics from Georgie and we didn't have very much
5 money bur we ended up giving him \$1300.

6 Q Did you reach any agreement with Paulie at
7 this time?

8 A He said he would return in a few days with the
9 narcotics.

10 Q Did he return?

11 A No, he did not.

12 Q What was the next thing you heard about Paulie?

13 A The next thing I heard about Paulie was his
14 girl Ann called me and told me Georgie wanted to see
15 me.

16 Q After receiving that call what did you do?

17 A I drove to Ann's apartment in New York, and
18 when I got there she began to make some telephone calls,
19 and some time shortly after that a call came in and said
20 that was the call for us to meet Georgie.

21 Q Thereafter did you meet Georgie?

22 A Yes. That evening we drove to Co-Op
23 City, where we met Georgie.

24 Q Who else was present when you met with
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Georgie?

A Georgie, Ann and myself.

Q What did Georgie say, what did Ann say and what did you say?

A Three of us were there and he thanked Ann for bringing me out there and he gave Ann some money and told her to go back to the car, he wanted to talk to me, and after Ann went back to the car he told me, asked me about the money that was owed to him, and I told him we didn't owe him any money. I told him we had give Paul the remainder of the money that was owed to him, which was \$1300, and he said, "The dirty so-and-so checked in with the money." And he went on to ask me then did I have any more money and I said no, and he said, "Well, I'll let you have a quarter."

Q That was a quarter kilogram of heroin?

A Yes, sir.

Q Did you have any discussion with him about how much it would cost?

A I can't remember what it cost at that particular time, but we did discuss that.

Q At that time did you make any arrangements with him about subsequent meetings?

A Yes. He told me that it would just be the

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two of us from then on, that he would call me and say come on over and have a drink, and that we would always meet between -- sometime between 8 and 9 o'clock, whenever he called, I know it meant Co-op City between 8 and 9.

Q After receiving the narcotics on that occasion did you return to D.C.?

A Yes, I did.

Q What did you do after you got back to D.C.?

A We cut up the narcotics and distributed it.

Q When you say "we," who are you referring to?

A Warren and I.

Q After the trip you just described was there an offasion when you and Warren again went to New York?

A Yes, it was. It was about a week to ten days later. I received a call from Georgie saying, "Come on over and have a drink."

Q After receiving that call did you go to New York?

A Yes.

Q Did you meet Georgie?

A Yes.

Q Who else was present?

A Warren, Georgie and myself.

Q What was said at that time?

A I got out of the car and went up to talk to Georgia, and I told him that I had Brother Warren with me and that Warren wanted to talk to him, and he said that he would talk to Warren, so I went back to the car and told Warren that he would talk to him.

Warren got out of the car and they may have talked about five, ten minutes, but I saw Warren go back to the car and talk to Georgie, and Georgie said that Warren seemed to be straight now, but --

DEFENDANT PUGLIESE: You fucking liar.
Who knows you? You introduced me to him? Who the fuck knows you? Who knows you?

THE COURT: Take that man out.

DEFENDANT PUGLIESE: This is a fucking frame?
Who knows you, you lying bastard? Who knows you?

THE COURT: Take the man out.

DEFENDANT PUGLIESE: Who knows you? This is the first time I saw you in my life, you fuck. My life depends on it.

He says he knows me.

THE COURT: Take him out now.

(Defendant Pugliese was escorted from the courtroom.)

2 THE COURT: Ladies and gentlemen, we are
3 going to take a break for about ten minutes.

4 (The jury left the courtroom.)

5 THE COURT: I'm not blaming you, Mr. Rosen-
6 berg. Why don't you go inside and explain it to him,
7 that he can return only on the premise that I don't hear
8 a word or a peep. Otherwise he will be kept in the
9 detention area. I am going to have the clerk set up
10 a loudspeaker there and he will hear everything that is
11 going on but he will not be in the courtroom.

12 MR. CURRAN: Your Honor, may the record
13 show that the defendant threw something in the direction
14 of the witness. I frankly don't know what it was.

15 Second, your Honor, in the light of that out-
16 burst the government moves for the remand of defendant
17 Francis X. Pugliese.

18 MR. ROSENBERG: Before you make that applica-
19 tion will you give me an opportunity to speak to him.
20 It sounds reasonable for the moment but perhaps I can im-
21 press on the defendant -- if you will give me five
22 minutes --

23 THE COURT: Take 10. Once again let me
24 just remind every defendant in the courtroom I have been
25 most patient with all of you. I don't particularly care

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for the outburst. It's not going to happen again.
If it does I will take very, very stern measures. I
don't want to, I feel it is unnecessary, and I don't
want to.

However, I don't want any of you to think I
wouldn't do it if it becomes necessary. Do you under-
stand?

All right, we will take a 10-minute recess.

MRS. ROSNER: Your Honor, I feel compelled,
your Honor, to move for a declaration of mistrial and
severance of my client. I think this kind of outburst
is devastating in the eyes of the jury. We, of course,
are bound by the acts of the co-conspirators dur-
ing the period of the conspiracy, but no one is bound
by the act of Mr. Pugliese. It is unfortunate from his
point of view but more unfortunate from the point of view
of the defendants who have not participated in that manner.

THE COURT: I assume everybody moves for a
mistrial.

MR. FISHER: Yes. I would also ask, if
your Honor please, for an instruction to the jury to
totally disregard the outburst of defendant Pugliese and
any of the other defendants in this trial.

THE COURT: I will take care of that.

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Motion for mistrial is denied. We will take 10 minutes.

Please, gentlemen and Mrs. Rosner, would you please suggest to your clients that in fact I have been very patient and I surely don't want a repeat of that.

MR. LEIGHTON: Your Honor, are you going to see the originals of the 3500 material that was turned over to you prior to our cross examination?

THE COURT: Yes.

(Recess.)

(In open court; jury not present.)

THE COURT: While the clerk is untangling the loudspeaker system, do you wish to say something?

MR. ROSENBERG: The defendant indicated to me he would like to apologize to the court and members of the government and also the defendants and their counsel.

He asked he be given that opportunity.

(Pause.)

MR. CURRAN: Your Honor, the government re-

news its application for the remand of the defendant

Pugliese.

The witness Dawson is not in protective custody.

This defendant Pugliese is out on the street in \$25,000

bail. He has, according to the record in this case,

if at least two witnesses or three ought to be believed,

a history of violence.

I have in my hand the pen that Mr. Dawson de-

flected with his hand that Mr. Pugliese threw at him and

it seems to the government the only way to insure it

does not happen again and to make sure that this witness,

who is not in protective custody, is not harmed or

further threatened or assaulted as he was 15 minutes ago

by the defendant is for the defendant's remand and the

2 government so moves.

3 MP ROSENBERG: If your Honor please, in my
4 conversation with the defendant he assured me to the
5 point where I am firmly convinced this will not happen
6 again, Judge. It was something perhaps he couldn't con-
7 tain himself with but he told me that he will swear on
8 his kid, permit him to apologize and he would come into
9 the courtroom and it would not happen again.

10 As far as a remand is concerned, I don't hi
11 think it is necessary. The defendant recognizes the
12 gravity of the case. He has shown up every day. The
13 circumstances of this case, along the way there was
14 evidence of a nature and the defendant still continued
15 to show. And I think his family's home, or some
16 member of his family and put up the home, which in my
17 mind is insurance enough that this defendant will continue
18 to be present.

19 I ask that the court accept his apology and
20 continue him on bail.

21 THE COURT: The record I note does not reflect
22 but it should reflect that the defendant did come up to
23 me at the bench and did apologize. This time I will
24 accept the apology and I will not remand him.

25 I hope for all defendants that they knew what

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I was talking about at this point when I suggested that their attorneys tell them what can happen if there is another outburst. I assure you it will happen. If there is going to be another outburst you have the choice of being excluded from the courtroom. If you are excluded you will be remanded and you will set in the detention pen outside.

There is another possibility, and if it is outrageous, any outburst, I will take the other possibility. The other possibility is for the marshals to produce a straight-backed chair to which you will be shackled and gagged and you will sit through the trial that way.

I certainly don't want to do it but if you force me to I will be the first one to do it.

I see the clerk is still setting up the extra loudspeaking system so let's let him finish.

MR. CURRAN: May the pen which I just mentioned a moment ago be marked Government's Exhibit 79 for identification.

MR. RICHMAN: I would object, your Honor. That is my pen.

MR. CURRAN: He will have to wait a while to get it back.

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2 THE COURT: It will be marked as a
3 court's exhibit, the next court exhibit.

4 Mr. Richman, somehow or another we will get
5 you another pen.

6 MR. SUNDEN: Judge, if the prosecution is
7 now marking this pen in evidence and it may allude to
8 that fact as part of its case or use it as a credibility
9 point, and since there is a conspiracy point, everyone
10 might be affected. Mr. Curran made the statement
11 which was not rebutted, that Pugliese threw the pen and
12 Dawson deflected it with his hand. I have no interest
13 in this other than representing my client, but I didn't
14 see that. I don't know if that really is the true state
15 of affairs, that the pen reached him.,

16 THE COURT: I saw the pen being thrown.
17 That is sufficient. It will be marked only for identi-
18 fication. At this point, whether you like it or not,
19 the government will control the property until such time
20 as they release it.

21 It will be marked as a court's exhibit.

22 (Court's Exhibit 66 marked.)

23 MR. FISHER: I don't think the court will
24 allow the government to comment on this in summation, will
25 it?

THE COURT: About the pen?

MR. FISHER: About the outburst.

THE COURT: I don't know that they are going to comment on it. My immediate reaction would be that they would not comment on it. If you want an advance ruling -- is that what you are looking for?

MR. FISHER: I would like an order directing the government not to comment on it. I think if they do, it is unfortunate enough that the incident occurred. I don't think it needs to be made any worse, especially since this court is trying very, very hard to give each of the defendant's separate trials, in a manner of speaking, trying to bring about separate, dispassionate judgments from the jury, and I can't see what appropriate effect an argument relating to it would have on the jury. Hopefully this would have been forgotten or glossed over to some extent by the time the jury sits down to consider guilt or innocence.

MR. CURRAN: Your Honor, we certainly don't ask you to rule on an academic question. The government at this point doesn't know whether it wishes to do it. We would like to check the law a little bit and I am not saying we would do it, but if we wish to it seems it would apply only to defendant Pugliese in any case. We don't think we should be prohibited at this moment from

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doing it.

THE COURT: I am not making that ruling.

MR. ROSENBERG: Your Honor, the defendant has asked me, since he can't address the jury, asked me to apologize to them.

MR. FORTUIN: If we have all these apologies we ought to have one to the witness, who was, after all, the person assaulted.

MR. SIEGEL: May I get a representation from the government they will not speak to this witness while he is on direct and cross examination. The reason for this is obvious. I don't want to have an unfortunate repetition which occurred the other day with the identification of Mr. Pannirello of Mr. DiNapoli.

THE COURT: I told everybody, I hope, that on direct I am not going to stop anyone from talking to his own witness. On cross everybody is prohibited. All right.

Bring back the jury, please, and leave the witness outside.

(Jury present.)

THE COURT: Ladies and gentlemen, Mr. Pugliese requested me to apologize to you on his behalf for his outburst before. I know, and I hope you recognize that this has been a long trial and of course sitting Saturdays and holidays makes it even more wearing.

It is a time of great tension to each and every one of the defendants and this outburst is merely a manifestation of that tension.

Under no circumstances should you hold it against either defendant Pugliese, and certainly not against any other defendants who are sitting there quietly, who I am sure feel the same kind of tension but be understanding. Do not in any way hold it against anyone, all right?

Mr. Clerk, would you bring back the witness.

T H O M A S D A W S O N , resumed.

THE COURT: All right, Mr. Fortuin, you may proceed.

BY MR. FORTUIN (Continued):

Q Mr. Dawson, prior to the interruption we were discussing the meeting at Co-op City at which you were present, Georgie was present, that was the defendant Frank Pugliese and Warren Robinson was present and you told

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us about a conversation.

Did you obtain any narcotics at that time?

A Yes, I did.

Q Who did you obtain those narcotics from?

A From Georgie.

Q The defendant Butch Pugliese?

A Yes.

Q How much did you receive?

A A half a kilo.

Q And at that time, did you pay him for the quarter
kilo you previously received?

A Yes.

Q How much did you pay him?

A Between \$6 and 7000. I forget what it cost at
that time.

Q After that meeting, did You return to D.C.?

A Yes, we did.

Q After the meeting you just described, did there
come a time when you saw Georgie in Washington, D.C.?

A Yes, sir.

Q Approximately when was this?

A It should have been about two or three days
after I left New York.

Q How did that meeting come about?

1 ks3 Dawson-direct 2636
2 A He called me and told me he was coming down.

3 Q He was coming down where?

4 A To my house, my apartment.

5 Q Did you thereafter see him?

6 A Yes. I received another call. He told me
7 he was on the Baltimore-Washington Expressway and he wanted
8 to know the directions to my house and I told him and I
9 went out to the corner to meet him and we went to my
10 apartment.

11 Q Who else was present?

12 A Just George and myself.

13 Q Did you have a conversation?

14 A Yes, we did.

15 Q What did he say, what did you say?

16 A He said he needed some money and I tried to round
17 up as much as I could. I didn't have a chance to get the
18 money for the other narcotics, but I ended up getting
19 \$1800 and I gave it to him.

20 Q Mr. Dawson, at this time or any other time,
21 did you have a discussion with Georgie about a vacation
22 or summer place?

23 A Yes. He told me he had a summer home or some-
24 thing to that effect up, off of the Garden State Parkway.
25 He gave me directions to it. I had them and he said he

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wanted me to bring the family up and he would let the kids ride on all the rides up there. I was supposed to go up there that weekend but he called me back and told me his family was going to be there and I would have to cancel it.

Q After the meeting with Georgie in Washington, D.C., that you just described, did there come a time when you returned to the Town & Country Motel in New York?

A Yes.

Q Do you recall what day of the week it was?

A It was on a Friday or Saturday.

Q Did you meet Georgie at that time?

A Yes, I did.

Q About what time did you meet him, do you know?

A It was in the morning hours, some time before noon.

Q Who else was present on this occasion?

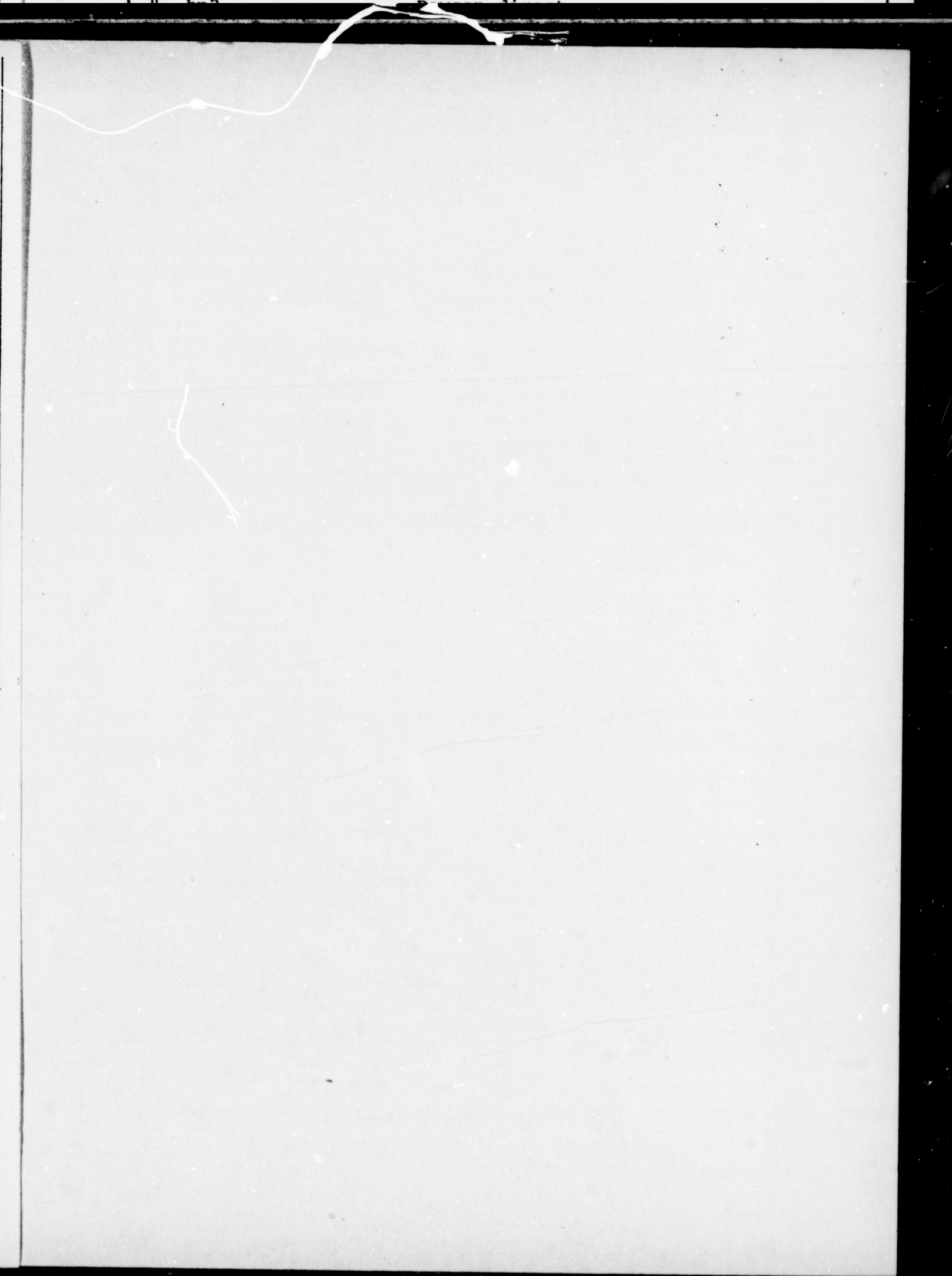
A Some other fellow was with him. I can't remember who it was.

Q Where did you first see him?

A At the Town & Country on the street, on the side of the Town & Country.

Q What happened after that?

A We drove to some lunchroom maybe a mile or two



1 from there and had lunch and he asked me could I ride him
2 around the city because his car was in the shop.

3
4 Q Georgie asked you?

5 A Yes.

6 Q Did you drive him around?

7 A Yes, sir, I did.

8 Q Incidentally, at this time what type of car did
9 you have?

10 A I had a 1967 Lincoln Continental.

11 Q What color was it?

12 A It was called Concentration Gold. It was a
13 real loud colored car.

14 Q Where did you and George drive?

15 A We went in some parts of Harlem.

16 Q Did you make any stops?

17 A Yes, we made two or three stops. He went into
18 apartment buildings and he said he wanted to catch a guy
19 that owed him some money and he went in in in the apartment
20 and brought out a large sum of money and put it in the
21 glove compartment of my car.

22 Q Was it in a package or just loose?

23 A Some of it was in a package, most of it was
24 loose.

25 Q Do you have any idea how much it was?

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A No, it was a large sum. When we got through, it practically filled the glove compartment.

Q How many stops did You say you made?

A About three.

Q While you were driving around with Georgie, did you have a conversation with him?

A Yes, we did.

Q Specifically, did you have a conversation about Paulie Gregorio, the person you have identified from the picture?

A Yes, he told me --

MR. SIEGEL: Objection.

THE COURT: I will permit it.

Go ahead, answer the question.

A He told me about all the problems that he had with Paul as far as the money was concerned and that Paul owed him all this money and that he would always be short with the money and that he got tired of it and that he decided to shoot him. He said he was going to shoot him in the stomach but at the last minute, Paul threw up his knee and he shot him in the knee.

Q Did you also have a discussion at that time about how much Georgie paid for the narcotics that he purchased?

2 A He told me that he always owed large sums of
3 money, hundreds of thousands of dollars.

4 Q And he owed that to whom?

5 A Whoever he was getting the narcotics from.

6 MR. SIEGEL: May we have the time, the approx-
7 imate time when all of this is occurring?

8 THE COURT: All right.

9 Q Do you know, Mr. Dawson, approximately the month
10 or year when this trip took place?

11 A This particular trip should have been some time
12 July 1st or August.

13 Q July 1971?

14 A Yes.

15 Q Did you obtain any narcotics from Georgie on
16 this occasion?

17 A He told me that he was in the process of getting
18 some narcotics in, that he had a quarter, that if I wanted
19 that I could get it otherwise I would have to wait over
20 until the narcotics came in so I told him I would take the
21 quarter and go back to Washington.

22 Q Thereafter, did you get the quarter?

23 A Yes. He drove me to --

24 Q He drove you?

25 A I drove, he directed me to some area in a

1 residential neighborhood where there were homes and I
2 pulled up to this driveway and he got out of the car and
3 walked up the driveway going into the garage and when he
4 got past the back window, he waved at someone in the window
5 and when he came back he waved and he took this package
6 out of the garage and brought it to the car and put it in
7 the car and we left.

T3C1 9 Q At that time, did you pay him for the half
10 kilogram of heroin that you previously received?

11 A Yes.

12 Q Do you know how much you paid him?

13 A \$16, \$18,000.

14 Q After you received the quarter kilogram of
15 heroin on this occasion what did you do?

16 A I carried him back to get his car and he
17 directed me to the I-95 and I went back to Washington.

18 Q After the meeting with Georgie that you just
19 discussed, was there another occasion when You came to
20 New York?

21 A Yes.

22 Q Were you with someone at this time?

23 A Yes, I was.

24 Q Where did you go?

25 A I went to the Town & Country. A friend of

1 ks9 Dawson-direct

2 mine was with me. I had the schedule mixed up so it ended
3 up that I had to call back to Washington to find out from
4 my wife whether anybody had called me and she said that
5 Georgie had called.

6 Q After that, did you meet with Georgie?

7 A Yes, I did.

8 Q Where did you meet with him?

9 A I met him across the highway at another motel
10 called the Holiday.

11 Q This would be across the highway from the Two &
12 Country?

13 A Yes.

14 Q This is still in the Bronx?

15 A Yes.

16 Q In the area of Co-op City?

17 A Yes.

18 MR. ROSENBERG: Can we get a date on this?

19 Q Do you know the month it would have been?

20 A Most likely August.

21 Q Of 1971?

22 A Yes. The latter part of July, the first week
23 of August, somewhere in that period.

24 Q When you met with Georgie, was anyone else present
25 with you other than you and Georgie?

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A No one else other than Georgie and myself.

Q What did you say, what did he say?

A I just paid him for the other narcotics and he asked me how everything was going, things to that effect, and he was mad because I was late because we had a mixup in the time and I got the narcotics and my friend and I we went back to Washington.

Q After you returned to D.C., where did you go?

A I went to my apartment after dropping my friend off and waited until the next morning and went to an apartment a short distance from my house to a friend of mind named Folks.

Q Who else was present at Folks' apartment and yourself?

A Warren, Folks, and myself.

Q What did you do there?

A We cut up the narcotics to get it ready to sell.

Q Mr. Dawson, you have described several transactions to us. Did you profit from these transactions?

A Yes, we did.

Q Do you know how much money you made on each transaction?

A I could never give a definite amount that was

2 made on the narcotics. The only thing I could say, we
3 lived good. I have a large family, I took care of my
4 family good, much better than I would if I had been a
5 working --

6 MR. SIEGEL: Objection.

7 THE COURT: I will sustain that question.

8 Q Do you know precisely how much you received?
9 Did you keep books and records how much you made?

10 A No.

11 Q Did you just spend it as you went along?

12 A Yes, sir.

13 Q After the meeting you just described, did there
14 come a time when you and this person Folks that you just
15 introduced us to, did there come a time when you went to
16 New York?

17 A Yes.

18 Q Approximately when would this be?

19 A It would have been a week to ten days following
20 this meeting, the last meeting.

21 Q Where did you go?

22 A Co-op City.

23 Q Who was present on this occasion?

24 A Folks, Georgie, Harry, John and myself.

25 Q Who was Harry and John?

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Dawson-direct

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A They were two fellows that were introduced to me as Georgie's cousins.

Q Did you have a conversation at that time?

A Yes, I did.

Q Can you tell us about that conversation?

A Georgie said that he had brought them because it wasn't going to be too long before he would be going away and Harry would be taking his place and that he was to treat me the same as he had and if I ever wanted any messages or anything, that Harry would relay them to his mother and that he would get them and -- they would just treat me the same as he did.

Q You said Georgie was going away, where was he going, do you know?

A To jail.

Q Did you obtain any narcotics on this occasion?

A Yes.

Q How much?

A It would have been a half to three-quarters.

Q Did you pay for the half kilogram that you had received on the previous occasion?

A Yes.

Q About how much did you pay for it?

A About \$18,000, I guess, something in that area.

\$12 to \$18,000, according to the strength of it.

Q There were varying prices?

A Yes, sir.

Q Where did you get the money that you paid for the narcotics?

A From the sale of the previous narcotics.

Q Who did you get it from in most cases?

A Warren, Folks and myself.

Q Did you make any arrangements with Harry at this time as to how you would meet him?

A Yes. We would meet at the same place and he would just call me and say come on over, let's have a drink, and I knew that meant to meet him there that night.

Q After that, did Harry call you and say --

A Yes.

Q What did he say?

A He said come on over to have a drink and Folks, Warren and myself, the two of us would come up and meet. At that time Warren hadn't met Harry.

Q After you first met him, you say you received a phone call?

A Yes.

Q And you went up to Co-op City again?

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A Yes.

Q Who else was present on this occasion?

A Warren and myself, Harry and John.

Q This is Warren Robinson?

A Yes.

Q What was said on this occasion?

A I introduced Warren to Harry. I introduced
him as Alan.

Q Was there further conversation?

A We just talked about the drugs as usual, things
to that effect, and we would never take over five minutes.

Q Did you receive a package at that time?

A Yes.

Q How much?

A It would have been a half to three-quarters.

Q A half to three-quarters of a kilogram?

A Yes.

Q Did you pay for the narcotics you previously
received?

A Yes.

Q That would be about the same rate you paid for
the previous batch?

A Yes, right.

Q After that, did Harry call you again?

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Dawson-direct

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A Yes, sir, he did.

3

Q What did he say?

4

A Come on over and have a drink.

5

Q Was that to be at the same location that you

6

previously met him?

7

A Yes.

8

Q After that, you went there?

9

A Yes.

10

Q Where did you go?

11

A To Co-op City.

12

Q Who else was present on this occasion?

13

A It would have been myself, Warren, Folks.

14

MR. LEIGHTON: I object to would have been and

15

ask for a date and if he knows who was present.

16

THE COURT: Let's get a date on it first.

17

Q Do you know approximately what time of year this

18

would be?

19

A Some time the 1st of September, in that area,

20

1971.

21

THE COURT: Do you remember specifically who was

22

with you?

23

THE WITNESS: It would have been Folks. At

24

that time Warren wasn't going too much.

25

Q Did you receive a package at this time?

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A Yes.

Q How much did you receive?

A A half to three-quarters.

Q And you paid for the narcotics you received on
the previous occasion?

A Yes.

Q After you received the narcotics, where did
you go?

A Back to Washington.

Q At this time, did you make any arrangements with
Harry about subsequent meetings?

A Yes, he said that he wanted to change the meet-
ing place. He wanted to move the meeting place over in
Jersey.

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Q Where in New Jersey?

A At a Howard Johnson's, after you come out past the pay station on the Turnpike, the last pay station.

Q After you received the narcotics on this occasion, did you return to D.C.?

A Yes, sir.

Q What did you do when you got there?

A We went to Folks' apartment and cut it up.

Q Who else was present?

A Warren Folks and myself.

Q After you cut it up, what did you do?

A Sold them.

Q All three?

A Yes.

Q After that, did you go to the Howard Johnson's in New Jersey and meet Harry?

A Yes.

Q Approximately when was this?

A Some time in September.

Q What happened when you got there?

A They were there before we were and I just parked the car on the side of their car and went inside and had something to eat, Harry, John, Warren and myself.

Q Did you have a discussion?

1 hp2 Dawson-direct

2 A Yes, sir.

3 Q What was said?

4 A Concerning the narcotics, and we were telling
5 them how it went and things to that effect and when we
6 finished eating, we went outside, passed them the money
7 and went back to Washington.

8 Q How much narcotics did you receive on that
9 occasion?

10 A At that time we started getting a kilo.

11 Q Did you pay for the narcotics you had received
12 on a previous occasion?

13 A Yes.

14 Q After the meeting with Harry that you just
15 described, did there come a time when you saw Georgie again?

16 A Yes, sir.

17 Q About when was that in relation to your last
18 meeting with Georgie?

19 A That would have been some time in September,
20 the first of October, some time the first of October.

21 Q Where did you see him?

22 A I got a call saying to come over and have a drink
23 at the old place, and I went up to the Town & Country,
24 met Georgie and Harry, John and some other fellow that I
25 can't identify.

hp3

Dawson-direct

Q This time what did Georgie say and what did you say?

A He said he was fixing to go away and he wants to see me before he left. He said that Harry then would take care of me and that if I wanted to get out of the business, that when he came home that Harry was going to save all the money and he should have over a million dollar when he got back and was going to Florida and get a hotel and that he was going to make me a partner because I was a good guy, whether I was still in the business or not when I got back.

Q Prior to today, was this the last time you saw Georgie?

A It was.

Q After that did you see Harry again?

A Yes, I did.

Q Where was that?

A Back at the Howard Johnson in New Jersey.

Q Approximately when did that meeting take place?

A It would have been a week to ten days following the last meeting.

Q Who else was present on that occasion?

A Folks and myself.

Q Generally, what happened?

1 hp4 Dawson-direct

2 A We just sit down, eat and talk about the nar-
3 cotics and received the package from them and I give them
4 the money and we leave.

5 Q At that time did you pay him for the three-
6 quarters of the kilogram you previously purchased?

7 A Yes, sir.

8 Q How much did you purchase on the previous
9 occasion?

10 A A kilo at that time.

11 Q How much were you paying for a kilo at that time?

12 A At that time it was costing about 32 or 34
13 thousand.

14 Q After that did you return to D.C.?

15 A Yes, sir.

16 Q What did you do there?

17 A Went to Folks' apartment and we split up the
18 narcotics and distributed it.

19 Q Mr. Dawson, did there come a time when you stopped
20 coming up to New Jersey?

21 A Yes, sir.

22 Q How did that happen?

23 A Well, I had been telling him all the time that
24 I was going to get out, that I didn't want any more parts
25 of it, and Folks and Warren started coming up there and

1 hp5

Dawson-direct

2 they would come up on a Saturday morning.

3 MR. LEIGHTON: I would object to that, your
4 Honor, unless the witness was there.

5 THE COURT: Read it back, please.

6 (Answer read.)

7 THE COURT: I will let it stand. Let's find out
8 what he knows about it.

9 Q After Warren and Folks returned, did you see them?

10 A Yes, Folks would call me when I get back and I
11 would meet him at Folks' apartment and we would go through
12 the same routine as before.

13 Q What was that routine? What was the routine?

14 A Cutting up the narcotics, getting it ready for
15 sale.

16 Q About how many times did that occur?

17 A To my recollection, only twice before there was
18 a panic.

19 Q A panic?

20 A Yes.

21 Q By that you mean during a period of time when
22 you were unable to obtain narcotics?

23 A Yes.

24 Q When did this panic occur, approximately?

25 A The latter part of November or the first part of

1 hp6 Dawson-direct

2 December.

3 Q 1971?

4 A Yes, sir.

5 Q After that did you again receive a call from
6 Harry?

7 A I did, some time in January.

8 Q What did he say?

9 A He told me to come up, that he wanted to talk to
10 me.

11 Q Did you come up?

12 A Yes, I went to the Howard Johnson in New Jersey,
13 met him and John. We just sit down and talk and he told me
14 he didn't have any narcotics but they were in the process
15 of getting some and he wanted to know whether I or we were
16 still interested in getting narcotics.

17 Q What did you say?

18 A I said that we were.

19 Q Did you make any arrangements at that time?

20 A Yes.

21 Q What arrangements did you make?

22 A He said that he would call me.

23 Q And you returned to D.C.?

24 A Yes.

25 Q After that, did he call you?

1 hp7

Dawson-direct

2 A Yes, sir, he did.

3 Q What did he say?

4 A He just said, "Come on over and have a drink."

5 Q Did you again meet him at the --

6 MR. POLLAK: May we have a time, your Honor?

7 THE COURT: Go ahead.

8 A This would be some time the last of January,
9 first of February, 1972.10 Q Thereafter, did you meet him at the Howard
11 Johnson?

12 A I did.

13 Q Who else was present on this occasion?

14 A John and Harry.

15 Q What did Harry say, if anything?

16 A I just -- we just talked as usual and he give me
17 the narcotics and I left.18 Q After that did you come back to New Jersey to
19 purchase narcotics on another occasion?20 A I came back to New Jersey some time to give him
21 some of his money. It wasn't any narcotics. He told me
22 he had lost his connection because the fellow he was getting
23 the narcotics from had been arrested with this huge amount
24 of money, and --

25 Q Did he say how much money?

1 hp8

Dawson-direct

2 A He said a million dollars, and he said a very
3 small amount of it was his, but that he had got a new
4 connection and that he would be able to supply us again.

5 Q The last meeting you told us about at Howard
6 Johnson's, where did the transfer of the narcotics take
7 place, was it at the Howard Johnson's?

8 A No, sir. It was -- I talked to Harry in the
9 Howard Johnson and when we got through, he told me to follow
10 him down the highway, which would have been in the area of
11 maybe two or three blocks. It's a drop-off where you can go
12 down under and come back over on the other side of the
13 highway, and it's a bar under there, and we pulled up
14 underneath this little -- it would be the highway, I guess,
15 that went over the top of the bar, and we started talking
16 and a short time later, I saw this stationwagon pull up
17 in the back and he told me that was a friend of his.

18 Q Can you describe that stationwagon for us?

19 A I can't remember the color, but it had paint on
20 it and ladders on the top of it.

21 Q What happened after that stationwagon pulled up?

22 A This fellow walked up behind me, and put a bag
23 in the back seat of the car.

24 Q Were you introduced to that fellow?

25 A No, I wasn't.

1 hp9 Dawson-direct

2 Q Did you learn his name?

3 A I learned later his name was Jimmy.

2 4 Q After the trip to New Jersey, where you paid
5 Harry some money, did you again receive a call from Harry?

6 A After the --

7 Q I'm sorry, I think I broke up the order.

8 The meeting you told us about, prior to that you told us
9 you paid Harry some money.

10 A Right.

11 Q After that meeting, did you again receive a call
12 from Harry?

13 A Yes, that's --

14 MR. DOWD: Your Honor, may we have the date of
15 the meeting where he paid money?

16 THE COURT: I think we had a date before.

17 THE WITNESS: It was the latter part of January,
18 February.

19 THE COURT: All right. Then there was the
20 meeting where you went to the bar below the viaduct or
21 highway; is that correct?

22 THE WITNESS: Actually the meeting in the
23 bar was before the money I give him.

24 THE COURT: When did that happen?

25 THE WITNESS: What's that, your Honor?

1 hp10 Dawson-direct

2 Q The meeting under the viaduct, when you received
3 the narcotics?

4 A That was the meeting before I carried him the
5 money back.

6 Q Approximately when did that occur?

7 A The meeting under the --

8 Q Yes.

9 Q That was some time in the latter part of January,
10 first of February, in that area.

11 Q Then you delivered the money after that?

12 A Yes, sir.

13 Q After you delivered the money, did you again
14 hear from Harry?

15 A Yes, sir.

16 Q What did he say?

17 A It was some time in March, I received a phone
18 call from Warren at my daughter's house saying that Harry
19 had called and he was going to call back and I told him
20 to give him the number at my daughter's house.

21 Q Thereafter you spoke to Harry?

22 A Yes, sir.

23 Q What did he say?

24 A He told me to come over and have a drink.

25 Q After that, what did you do?

1 hp11

Dawson-direct

2 A We went to the Howard Johnson's in New Jersey.

3 Q When you say "we," whom are you referring to,
4 Mr. Dawson?

5 A Warren and I.

6 Q On that occasion, what was said?

7 A We talked, and he told me -- we owed him \$16,000,
8 and he said that the length of time it's been, since we
9 have seen him, that he knew we probably spent the money,
10 that he had a new connection where he could get all the
11 narcotics that he wants we would be able to get whatever
12 we wanted to get.

13 Q How much narcotics did you get on that occasion?

14 A I can't be precise with the amount. I know it
15 was a large sum. It was more than we have had. Two
16 kilos or two and a half.

17 Q What price were you paying per kilo at the time?

18 A \$37,000.

19 Q Mr. Dawson, have you told us about everytime you
20 came to New Jersey?

21 MR. SIEGAL: Objection, your Honor.

22 THE COURT: I think it's prefatory to something.
23 I'll let it go.

24 A My recollection would tell me that I haven't,
25 that there were other occasions that I can't remember the

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hp12 Dawson-direct

circumstances.

Q After the occasion upon which you received what you believe to be more than two kilograms of narcotics, did you have a discussion with Warren Robinson about paying for these narcotics?

A Yes. I told him that I was going to Memphis and he was going to have to pay the amount that was owed plus the \$16,000.

Q Where did this conversation take place?

A At Warren's store. We talked about it all the time until I got ready to leave.

Q What did Warren say?

A He said that he would take care of it.

Q Did he ever tell you that he had the money to buy it?

MR. LEIGHTON: I object to it as leading.

THE COURT: Yes, it is leading.

Q What did he say?

A On that occasion, we sold quite a bit of narcotics before we ever left New York. He said that he had someone that was waiting at a hotel, that he could sell some of the narcotics to, and he did. The only thing I could see was when the money came back and we took the rest of the narcotics and went to Washington, and Harry got that money,

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Dawson-direct

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and I went home to Memphis.

MR. FORTUIN: Your Honor, may I have one moment to
confer?

THE COURT: Yes.

2

Q Mr. Dawson, have you discussed your testimony

3

today with anyone?

4

A My testimony today?

5

Q Yes. Have you discussed it with me, for

6

example.

7

A Not to any length, no, no, I haven't.

8

MR. FORTUIN: Can I rephrase?

9

THE COURT: Read back the answer.

10

(Answer read.)

11

Q Did you meet with me, Mr. Dawson?

12

A Yes, sir.

13

Q On about how many occasions? How many occasions?

14

A Three or four occasions. Four occasions.

15

Q What did we discuss?

16

A The case.

17

Q And I asked you questions?

18

A Yes.

19

Q Mr. Dawson, did there come a time when you were

20

indicted in this case?

21

A Yes, sir.

22

Q After that did you plead guilty?

23

A Yes, sir.

24

Q That was to count 1, the conspiracy count, is

25

that correct?

hpa2

Dawson-direct

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A Yes, sir.

3

Q Before whom did you plead guilty?

4

A The judge presiding here today.

5

Q Judge Duffy?

6

A Yes, sir.

7

MR. FORTUIN: I have no further questions.

8

THE COURT: Ladies and gentlemen, you are going to have a long lunch hour today. We are not. If you would, please, will you go with the marshal. I just want to make sure you will get fed today without delay, as on Saturday.

13

(The jury left the courtroom.)

14

THE COURT: Do you have 3573 for identification?

15

16

MR. SIEGAL: May we have the witness excused at this time, your Honor.

17

18

THE COURT: I am sorry. I thought he was. Would you step out, please.

19

20

(Witness left the courtroom.)

21

MR. POLLAK: Your Honor, just to clarify something, at this point I assume the witness is considered on cross

22

23

24

THE COURT: Yes.

25

MR. POLLAK: Thank you.

